

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Betty J. Bolin,)	Civil Action No.
)	
Plaintiff,)	
)	
vs.)	<u>NOTICE OF REMOVAL</u>
)	
Wal-Mart Stores East, LP,)	
)	
Defendant.)	
)	

The defendant, Wal-Mart Stores East, L.P., by and through its undersigned counsel, file the Notice of Removal of the above-entitled action from the Court of Common Pleas for Spartanburg County, State of South Carolina, to the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, on the following grounds:

1. The above-entitled action was instituted by the plaintiff against the defendant, by the service of a Summons and Complaint, which was served upon the registered agent for the defendant Wal-Mart Stores East, L.P. on or about January 2, 2019, and this action is now pending in the Court of Common Pleas for Spartanburg County, State of South Carolina, being Civil Action No. 2018-CP-42-04231.

2. At the time of the commencement of the action, the plaintiff, upon information and belief, was and still is a citizen and resident of the County of Spartanburg, State of South Carolina.

3. The defendant, Wal-Mart Stores East, L.P., was at the time of the commencement of the action a Delaware limited partnership with its principal place of business in Arkansas. The partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general

partner), and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with their principal places of business in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, which is an Arkansas limited liability company with its principal place of business in Arkansas. Wal-Mart Stores East, LLC is a wholly-owned subsidiary of Wal-Mart Stores, Inc. Wal-Mart Stores, Inc. is a publicly traded Delaware corporation with its principal place of business in the State of Arkansas.

4. This action is of a civil nature and involves a controversy that is wholly between citizens of different states and the value of the matter in dispute in said cause is believed to exceed the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs. In making this assessment, the undersigned counsel contacted plaintiff's counsel to inquire if plaintiff would enter into a stipulation under this Court's jurisdictional threshold and plaintiff's counsel advised he was unable to stipulate that the amount in controversy is less than the jurisdictional threshold for matters removed to Federal Court. Therefore, the defendant respectfully believes the jurisdictional threshold is established. Based on this information, said action, upon information and belief, is one over which the District Court of the United States has original jurisdiction.

5. Defendant files together with this Notice a copy of all process, pleadings and orders served upon it in this action in compliance with Federal Rules of Civil Procedure 11.

6. Defendant has provided a copy of the Notice of Removal to the Clerk of Court for Spartanburg County.

7. Defendant, pursuant to 28 U.S.C. §1446(d), shall promptly give written notice of removal to all adverse parties and shall file a copy of the Notice with the Clerk of Court, Spartanburg County, State of South Carolina.

8. Removing defendant is filing this Notice solely by reason of the requirements of 28 U.S.C. § 1446 and this Notice has been timely filed pursuant to 28 U.S.C. § 1446(b).

9. Defendant reserves all defenses, including, but not limited to, those under Federal Rule of Civil Procedure 12(b), and does not waive said defenses by the filing of this Notice to all adverse parties.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

By: S /J. Michael Montgomery
Rebecca Laffitte
Fed. I.D. No.: 1036
rlaffitte@robinsongray.com
J. Michael Montgomery
Fed. I.D. No. 10290
mmontgomery@robinsongray.com
Vordman Carlisle Traywick, III
Fed. I.D. No. 12483
ltraywick@robinsongray.com
Rachel M. Hutchens
Fed. I.D. No. 12696
rutchens@robinsongray.com
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Defendant, Wal-Mart Stores East, L.P.

Columbia, South Carolina

January 31, 2019